

## **REMARKS**

Except as discussed in detail below, Applicants are amending the claims to correct informalities therein and better claim the present invention.

Applicants will address each of the Examiner's objections and rejections in the order in which they appear in the Final Rejection.

### **Claim Rejections - 35 USC §112**

In the Final Rejection, the Examiner rejects Claims 13-18 under 35 USC §112, first paragraph, as failing to comply with the written description and enablement requirement, and 35 USC §112, second paragraph, as being indefinite. These rejections are respectfully traversed.

In particular, the Examiner is objecting to the language in these claims that the metal complex comprises PtOEP and Ir(ppy)<sub>3</sub>.

In order to advance the prosecution of this application, Applicants are amending these claims<sup>1</sup> to recite in accepted patent language, as a markush group, that:

said metal complex is selected from the group consisting of 2,3,7,8,12,13,17,18-octaethyl-21H,23H-porphyrin-platinum (PtOEP) and tris(2-phenylpyridine)iridium (Ir(ppy)<sub>3</sub>).

Hence, the metal complex can be either PtOEP or Ir(ppy)<sub>3</sub>. This is clearly supported by the specification of the present application and is not confusing. Therefore, it is respectfully requested that these rejections be withdrawn.

---

<sup>1</sup> Claim 13 is being canceled without prejudice or disclaimer since it is dependent on Claim 1 which is being canceled herein.

## Claim Rejections – 35 USC §103

### Claims 1-4, 13 and 14

The Examiner also rejects Claims 1-4, 13 and 14 under 35 USC §103(a) as being unpatentable over O'Brien et al. or Baldo et al., either reference in view of Salbeck et al. In particular, the Examiner is contending that O'Brien or Baldo discloses all the claimed features except spiro-CBP or spiro-NPD. The Examiner contends that Salbeck cures the deficiency of O'Brien or Baldo, since Salbeck discloses using compounds having a spiro-linkage. This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are canceling Claims 1, 2 and 13 without prejudice or disclaimer, and amending independent Claim 3.

In particular, independent Claim 3 recites that the hole transport layer comprises spiro-NPD, a host material and a luminescent material are included in the organic luminescent layer, the luminescent material comprises a metal complex, and the host material comprises spiro-CBP. It is necessary to use the metal complex and the host material to obtain a light emission from triplet excitation. As explained in Applicants' prior amendment, Applicants have found that it is advantageous to use a spiro-linkage for the host material.

In contrast, Salbeck appears to merely disclose spiro-TAD, spiro-CBP, etc. for a hole transporting and spiro-PBD, etc. for an electron transporting. Thus, while Salbeck discloses using a spiro-linkage for a hole transporting and an electron transporting, the reference fails to disclose or suggest a spiro-linkage for host material in an organic luminescent layer, as in the claimed invention. In fact, Salbeck does not even suggest using a spiro-linkage as a host material since it appears that Salbeck does not intend that a compound including the spiro-

linkage be used for converting triplet excitation energy from a metal complex into light. Therefore, there would be no motivation for one skilled in the art to combine the spiro-linkage of Salbeck to host material of an organic electroluminescent device of O'Brien or Baldo to arrive at the claimed invention. As no such teaching, suggestion or motivation exists for the Examiner's proposed combination, the combination of these references is improper, and the rejection based thereon improper. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Claims 5-12 and 15-18

The Examiner also rejects Claims 5-12 and 15-18 under 35 USC §103(a) as being unpatentable over Grushin et al. in view of Salbeck et al. In particular, the Examiner contends that Grushin discloses all the claimed limitations except spiro-CBP, spiro-TAZ, or spiro-PBD. The Examiner contends that Salbeck also cures the deficiency of Grushin by disclosing spiro-linkage. This rejection is also respectfully traversed.

For similar reasons to those discussed above for Claim 3, the combination of references and rejection of Claims 5-12 and 15-18 are improper, and it is respectfully requested that this rejection be withdrawn.

#### Information Disclosure Statement

Applicants are filing an information disclosure statement (IDS) herewith. It is respectfully requested that this IDS be entered and considered prior to the issuance of any further action for this application.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

Date: *January 20, 2006*



Mark J. Murphy  
Registration No. 34,225

COOK, ALEX, McFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street  
Suite 2850  
Chicago, Illinois 60606  
(312) 236-8500

Customer no. 000026568